

# STATE OF INDIANA



INDIANA UTILITY REGULATORY COMMISSION  
302 W. WASHINGTON STREET, SUITE E-306  
INDIANAPOLIS, INDIANA 46204-2764

<http://www.state.in.us/iurc/>  
Office: (317) 232-2701  
Facsimile: (317) 232-6758

IN THE MATTER OF THE COMMISSION )  
INVESTIGATION AND GENERIC PROCEEDING )  
OF RATES AND UNBUNDLED NETWORK )  
ELEMENTS AND COLLOCATION FOR INDIANA )  
BELL TELEPHONE COMPANY, INCORPORATED )  
d/b/a SBC INDIANA PURSUANT TO THE )  
TELECOMMUNICATIONS ACT OF 1996 AND )  
RELATED INDIANA STATUTES )

CAUSE NO. 42393 FILED

SEP 16 2003

INDIANA UTILITY  
REGULATORY COMMISSION

You are hereby notified that on this date the Indiana Utility Regulatory Commission ("Commission") makes the following entry in this Cause:

On September 5, 2003, Communications Workers of America ("CWA") filed its *Petition for Leave to Intervene* ("Petition to Intervene") in this Cause. On the same date, Theodore E. Meckler filed the *Verified Petition of Theodore E. Meckler to Appear Pro Hac Vice Before the Indiana Utility Regulatory Commission* ("Pro Hac Vice Application"). Mr. Meckler, an attorney admitted to practice before the Ohio Supreme Court, seeks approval to appear and practice before the Commission on behalf of CWA in this Cause.

Commission Rule 170 IAC 1-1.1-11 governs intervention in Commission proceedings. Commission Rule 170 IAC 1-1.1-7, and Rule 3, Section 2(a) of the *Indiana Rules for Admission to the Bar and the Discipline of Attorneys* ("Admission and Discipline Rules") govern practice before the Commission by attorneys not admitted to practice before the Supreme Court of Indiana.

Having reviewed the Petition to Intervene and the *Pro Hac Vice* Application, the Presiding Officers find that the Petition to Intervene, except as noted below, appears to satisfy the requirements of 170 IAC 1-1.1-11. However, the *Pro Hac Vice* Application fails to satisfy the Admission and Discipline Rule which states that in order for an attorney from another state to be granted limited admission in Indiana, the following condition must be met: "A member of the bar of this state has appeared and agreed to act as co-counsel." Admission and Discipline Rule 3, Section (2)(a)(1). This requirement is also reflected in Commission Rule 170 IAC 1-1.1-7(c). The *Pro Hac Vice* Application does not address this requirement. In addition, this omitted requirement affects granting the Petition to Intervene insofar as Commission Rule 170 IAC 1-1.1-7(b) requires an entity (such as CWA) to be represented by an attorney, properly admitted to practice, in Commission proceedings.

This defect is curable. Upon receipt of additional information that addresses Rule 3, Section 2(a)(1) of the Admission and Discipline Rules, the Presiding Officers will act on the *Pro Hac Vice* Application and the Petition to Intervene. Such action can occur in either another docket entry or during a hearing in this Cause.

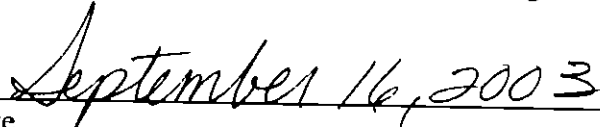
**IT IS SO ORDERED.**



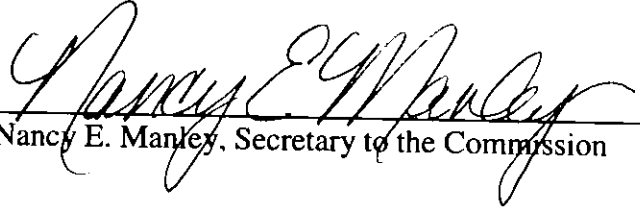
Larry S. Landis, Commissioner



William G. Divine, Administrative Law Judge



Date



Nancy E. Manley, Secretary to the Commission